

## Article - Insurance

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§15–1623.

(a) Before entering into a contract with a purchaser, a pharmacy benefits manager:

(1) as applicable, shall inform the purchaser that the pharmacy benefits manager may:

(i) solicit and receive manufacturer payments;

(ii) pass through or retain the manufacturer payments depending on the contract terms with a purchaser;

(iii) sell aggregate utilization information; and

(iv) share aggregate utilization information with other entities;

and

(2) shall offer to provide to the purchaser a report that contains the:

(i) net revenue of the pharmacy benefits manager from sales of prescription drugs to purchasers made through the pharmacy benefits manager's network of contractually affiliated retail pharmacies or through the pharmacy benefits manager's mail order pharmacies, with respect to the pharmacy benefits manager's entire client base of purchasers; and

(ii) amount of all manufacturer payments earned by the pharmacy benefits manager.

(b) (1) If a purchaser requests the information described in subsection (a)(2) of this section, a pharmacy benefits manager shall provide the information before entering into a contract with the purchaser.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, if a pharmacy benefits manager requires a nondisclosure agreement under which a purchaser agrees that the information described in subsection (a)(2) of this section is proprietary information, the pharmacy benefits manager may not be required to provide the information until the purchaser has signed the nondisclosure agreement.

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